

On October 12, 1942, no claimant having appeared, judgment of condemnation and destruction was entered, but on October 23, 1942, the decree was amended to provide for delivery of the product to a charitable institution.

4666. Misbranding of apple butter. U. S. v. 1,442 Cases of Apple Butter. Decree of condemnation. Product ordered released under bond for relabeling. (F. D. C. No. 8963. Sample Nos. 36801-F to 36804-F, incl.)

On December 3, 1942, the United States attorney for the District of Maryland filed a libel against 319 cases, each containing 24 jars, and 1,123 cases, each containing 12 jars, of apple butter at Baltimore, Md., alleging that the article had been shipped in interstate commerce within the period from on or about October 7 to 17, 1942, by the Adams Apple Products Corporation from Aspers, Pa. The article was labeled in part: "Apple Butter * * * Royal Clover Brand Distributed by Royal Clover Distributing Co. Baltimore, Md."

The article was alleged to be misbranded in that the name "Apple Butter" was false and misleading since it did not comply with the definition and standard of identity for apple butter. It was alleged to be misbranded further in that it purported to be and was represented as a food for which a definition and standard of identity had been prescribed by regulations provided by law, but it failed to conform to such definition and standard since the soluble solids content of the finished apple butter was less than 43 percent.

On March 24, 1943, the Adams Apple Products Corporation, claimant, having consented to the entry of a decree, judgment of condemnation was entered and the product was ordered released under bond for relabeling under the supervision of the Food and Drug Administration.

4667. Adulteration of crystallized ginger, glace cherries, and pineapple. U. S. v. B. M. Reeves Co., Inc. Plea of guilty. Fine, \$2,000. (F. D. C. No. 7244. Sample Nos. 84191-E, 84192-E.)

This product contained rodent hair, human hair, insect fragments, insect legs and bodies, and nondescript dirt.

On November 5, 1942, the United States attorney for the Eastern District of New York filed an information against the B. M. Reeves Co., Inc., a corporation at Brooklyn, N. Y., alleging delivery for shipment in interstate commerce on or about December 6, 1941, from the State of New York into the State of New Jersey of quantities of the above-named products that were adulterated in that they consisted in whole or in part of filthy substances, and in that they had been prepared under insanitary conditions whereby they may have become contaminated with filth. The articles were labeled in part: "Fancy Uco Ginger Fruit," or "Fancy Uco Fruit * * * Cherries & Pineapple."

On May 12, 1943, a plea of guilty having been entered on behalf of the defendant corporation, the court imposed a fine of \$2,000.

4668. Adulteration of huckleberry flow. U. S. v. Harold Fisch (Pure Foods Corporation). Plea of nolo contendere. Fine, \$100. (F. D. C. No. 7738. Sample No. 92053-E.)

This product contained rodent hairs.

On November 4, 1942, the United States attorney for the Southern District of California filed an information against Harold Fisch, trading as Pure Foods Corporation, Los Angeles, Calif., alleging shipment on or about April 16, 1942, from the State of California into the State of Pennsylvania of a quantity of huckleberry flow which was adulterated in that it consisted in whole or in part of a filthy substance, and in that it had been prepared, packed, or held, under insanitary conditions whereby it might have become contaminated with filth.

On January 18, 1943, a plea of nolo contendere having been entered by the defendant, the court imposed a fine of \$100.

4669. Adulteration and misbranding of jellies. U. S. v. Harold Kushner and Katie Kushner (Ma Kushner's Products). Plea of guilty. Fine, \$100. (F. D. C. No. 8742. Sample No. 1670-F.)

On February 25, 1943, the United States attorney for the Northern District of Illinois filed an information against Harold Kushner and Katie Kushner, trading as Ma Kushner's Products, at Chicago, Ill., alleging delivery for shipment on or about May 18, 1942, from the State of Illinois into the State of Indiana of a quantity of jellies that were adulterated and misbranded. The articles were labeled in part: (Jars) "Table Hints Brand Apple Raspberry [or "Grape," "Cherry," or "Strawberry"] Jelly * * * Packed For Grocers Service Corporation Headquarters, Chicago, Ill."

The articles were alleged to be adulterated in that imitation jellies deficient in fruit and insufficiently concentrated had been substituted wholly or in part for apple raspberry jelly, apple strawberry jelly, apple cherry jelly, and apple grape jelly, foods for which a definition and standard of identity had been promulgated pursuant to law.

They were alleged to be misbranded (1) in that the statements, "Apple Raspberry Jelly," "Apple Strawberry Jelly," "Apple Cherry Jelly," and "Apple Grape Jelly," borne on the labels were false and misleading since the articles did not meet the definition and standard of identity for jellies; (2) in that they were imitations of other foods and their labels did not bear in type of uniform size and prominence the word "imitation," and immediately thereafter the name of the food imitated; and (3) in that they purported to be and were represented as foods for which a definition and standard of identity had been prescribed by regulations promulgated pursuant to law but they failed to conform to such definition and standard since they had not been made from mixtures containing not less than 45 percent by weight of one of the fruit ingredients to each 55 parts by weight of one of the saccharine ingredients specified in such regulations, and since they had not been concentrated by heat to such a point that the soluble solids content of the finished jellies was not less than 65 percent.

On May 10, 1943, a plea of guilty having been entered, the court imposed a fine of \$100.

4670. Adulteration of blackberry preserves. U. S. v. 62 Cases of Blackberry Preserves. Default decree of condemnation and destruction. (F. D. C. No. 7808. Sample No. 83927-E.)

This product contained maggots and mold.

On June 25, 1942, the United States attorney for the Southern District of Alabama filed a libel against 62 cases, each case containing 24 jars, of blackberry preserves at Mobile, Ala., alleging that the article had been shipped in interstate commerce on or about March 31 and May 6, 1942, by Leverton & Co., from Houston, Tex.; and charging that it was adulterated in that it consisted in whole or in part of a decomposed and filthy substance. The article was labeled in part: (Jars) "World Over Pure Blackberry Preserves."

On January 12, 1943, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

4671. Adulteration of pickled grapefruit rind. U. S. v. 25 Cases of Grapefruit Rind. Default decree of condemnation and destruction. (F. D. C. No. 7441. Sample No. 86747-E.)

This product contained insect fragments and rodent-like hairs and was also short of the declared weight.

On May 7, 1942, the United States attorney for the Northern District of Illinois filed a libel against 25 cases, each containing 12 jars, of grapefruit rind at Chicago, Ill., alleging that the article had been shipped in interstate commerce on or about March 18, 1942, by Golden West Products Co. from Los Angeles, Calif. The article was labeled in part: "Monarch Double Sweet Grapefruit Rind Pickled Fruit Murdoch & Co. Distributors, Chicago, Ill."

The article was alleged to be adulterated in that it consisted in whole or in part of a filthy substance and in that it had been prepared under insanitary conditions whereby it might have become contaminated with filth.

It was alleged to be misbranded in that the statement "Contents 1 pt. 4 oz." borne on the label was false and misleading as applied to an article that was short weight, and in that it was in package form and did not bear a label containing an accurate statement of the quantity of the contents.

On September 17, 1942, the claimant having failed to file an answer, the product was ordered condemned and destroyed.

4672. Adulteration and misbranding of Whip-Prune. U. S. v. California Prune and Apricot Growers Association. Plea of guilty. Fine, \$750. (F. D. C. No. 8761. Sample Nos. 10582-F, 10583-F, 10602-F.)

This product contained hairs resembling rodent hairs and one shipment also contained insect fragments.

On January 11, 1943, the United States attorney for the Northern District of California filed an information against the California Prune and Apricot Growers Association, a corporation, at San Jose, Calif., alleging shipment on or about July 8 and July 28, 1942, from the State of California into the State of Texas and the District of Columbia of quantities of Whip-Prune that was adulterated and misbranded. The article was labeled in part: "Sunsweet Whip-Prune For Quick Prune Whip * * * A Pure Prune Product."